

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
WENDYZ RODRIGUEZ,

Plaintiff,

23 **CIVIL** 4554 (JMF)

-against-

**JUDGMENT**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 5, 2024, Plaintiff has waived the right to object to the Report and Recommendation or to obtain appellate review. See *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); see also *Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008). Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Plaintiff's Complaint must be dismissed because it was not timely filed i.e., within 65 days of her receipt of the Appeals Council Notice on May 3, 2022 and neither the Complaint nor the record supports a contrary conclusion. The Report and Recommendation is ADOPTED in its entirety; accordingly, the case is closed.

**Dated:** New York, New York

February 6, 2024

**RUBY J. KRAJICK**  
**Clerk of Court**

BY:



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**Deputy Clerk**